

**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
Rev 7/07/2015**

DATE: WEDNESDAY, JULY 15, 2015
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

REGULAR MEETING

7:00pm

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. BUFFER WAIVER REQUEST - SPORTSMAN'S LIQUOR, 713 WEST TOMICHI AVENUE

7:15pm

IV. MINOR SUBDIVISION APPLICATION, FINAL PLAT, SB 15-1, SUBMITTED BY THE GUNNISON COUNTY PIONEER AND HISTORICAL SOCIETY

7:30pm

V. REPORT ON ONE VALLEY PROSPERITY PROGRAM – RUSSELL FORREST, GUNNISON COUNTY COMMUNITY DEVELOPMENT DIRECTOR

VI. UNSCHEDULED CITIZENS

VII. CONSIDERATION OF THE JUNE 24, 2015 MEETING MINUTES

VIII. COUNCIL UPDATE

IX. COMMISSIONER COMMENTS

X. PLANNING STAFF UPDATE

XI. ADJOURN

To comply with ADA regulations, people with special needs are requested to contact the City of Gunnison Community Development Department at 641-8090.

This agenda is subject to change, including the addition or deletion of items at any time. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are on the City website at www.cityofgunnison-co.gov. Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

STAFF REPORT
Sportsman's Liquor – 713 West Tomichi Avenue

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: July 9, 2015
RE: Waiver Request – Arterial Street Buffer

CODE PROVISIONS

City of Gunnison Land Development Code (LDC), Section 9.1, Development Standard Waivers, defines the procedures and required showing to obtain waivers from the standards established in Section 4, General Development Standards and Section 5, Natural Resource Protection Standards.

Waivers are authorization to differ from the literal terms of established standards that would not be contrary to the public interest in cases where the literal application from the standards are warranted by site factors or where alternative design are proposed that meet the purposes of the *LDC*.

APPLICATION

The applicant, Sportsman's Liquor, represented by Gary Hartman, is requesting a waiver of nine feet from the minimum buffer requirement of 25 feet. The legal description of the property is Lots 1-2, Block 24, West Gunnison Addition, City and County of Gunnison, Colorado. The applicants' narrative states:

“...We are requesting the City consider a Buffer Waiver for the Tomichi Avenue frontage. We are requesting a waiver from the specific requirements found in *Section 4.6 – Landscaping, Buffer and Screening*.

Sub Section 4.e – Street Frontage Buffers – Requires a 25 foot buffer along the (arterial) street frontage. Due to the existing site configuration being only 50 feet deep along with the location of the existing building and required traffic circulation and parking requirements, this requirement cannot be accommodated.

The proponents are proposing a modified Landscape Buffer of 16 feet on the attached Zoning Site Plan. This requested waiver will provide the required sidewalk along Tomichi Avenue and a modified green belt with appropriate planting. The proponents would like to work with the Community Development Department to define and locate the appropriate plantings to enhance the street scape, which is currently not shown. The existing condition provides an asphalt access and parking area along the entire frontage with no green belt along Tomichi Avenue. It is the proponents feeling that this proposed modification will still provide an enhancement to the street frontage that furthers the City goals for beautification of the Tomichi Street frontage...”

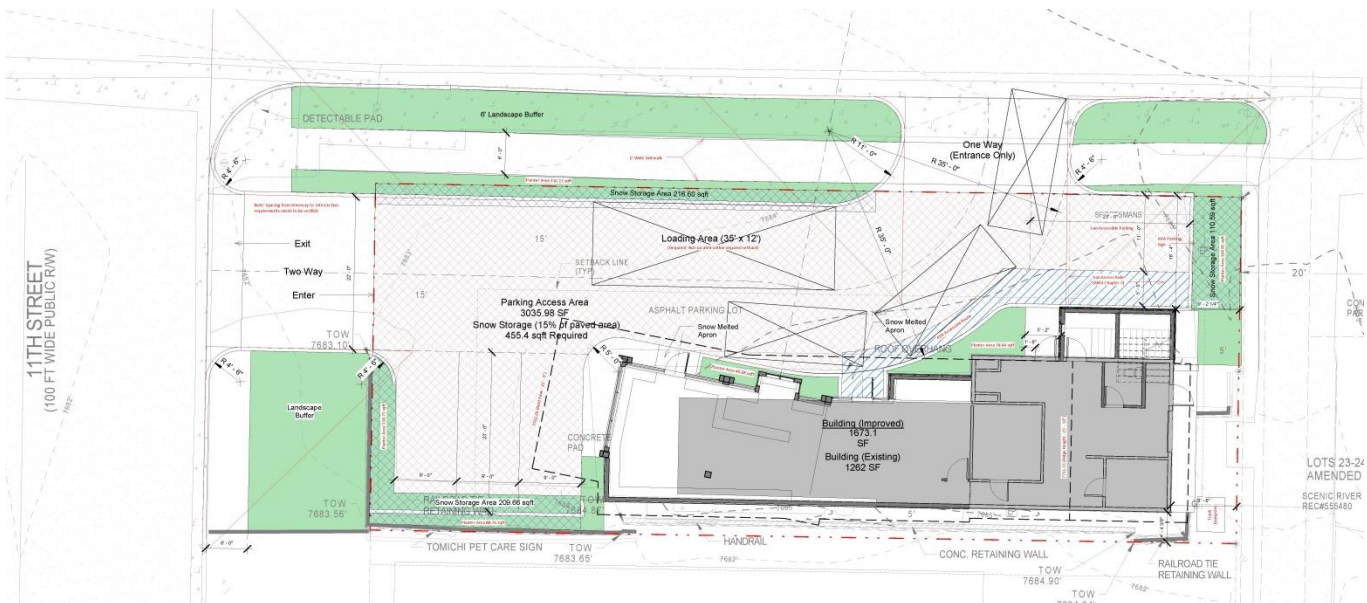
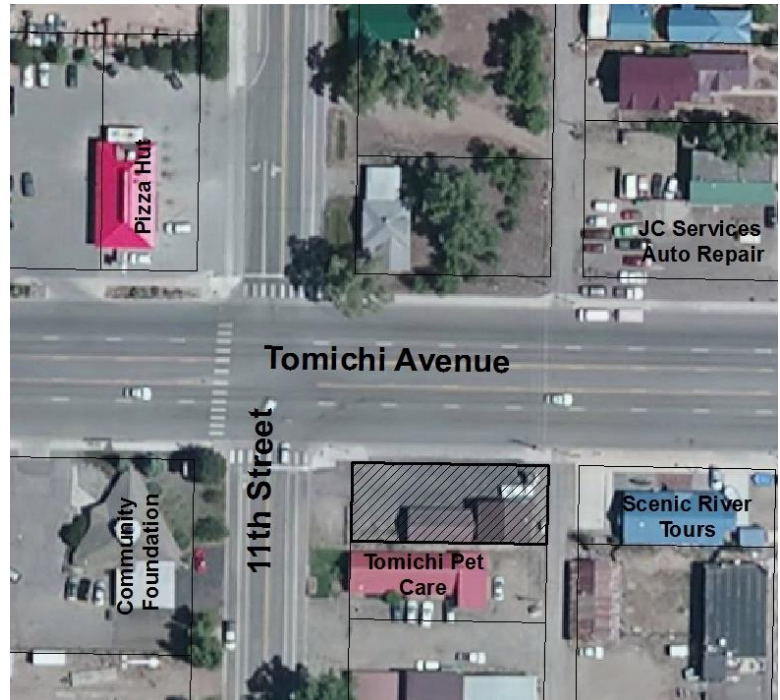
STAFF REPORT
Sportsman's Liquor – 713 West Tomichi Avenue

SITE ASSESSMENT

The property is located within the Commercial zone district on the corner of Tomichi Avenue and 11th Street. The Commercial zone district surrounds the property and adjacent uses include commercial retail and services.

The applicant intends to remodel and add approximately 411 square feet onto the existing structure.

The site currently has an open curb along the majority of the Tomichi Avenue frontage and an approximate 25 foot-wide access from 11th Street. The redevelopment of this site requires compliance with the City's *Land Development Code* including street buffer and landscaping requirements. A 25' buffer, measured from the back edge of the curb, is required along an arterial and collector street. The subject site is situated adjacent to an arterial (Tomichi Avenue) and a collector (11th Street) street.



The applicant's proposal meets the buffer requirement on the west (11th Street) property line; however, the buffer is short of the requirement off the north line (Tomichi Avenue). The site limits the use and function in regard to meeting the parking and buffer requirements while maintaining the existing drive-through area. The applicant is requesting a 16' street buffer along Tomichi Avenue that consists of a sidewalk and a

STAFF REPORT
Sportsman's Liquor – 713 West Tomichi Avenue

landscaped area. The proposal will be a significant improvement over the existing open curb and asphalt.

STAFF OBSERVATIONS:

1. The applicant is requesting a waiver to decrease the 25 foot buffer requirement to 16 feet from the Tomichi Avenue curb edge.
2. The applicant intends to redevelop the site, with an addition, utilizing the existing structure.
3. The existing Tomichi Avenue street frontage is open curb access and parking. The redevelopment of this site will create a landscaped buffer and sidewalk that will enhance the property and street frontage.
4. One tree per 25 lineal feet and one shrub per 20 lineal feet, in a grouped configuration, are required along the street frontages within the buffer for a total of 5 trees and 7 shrubs along Tomichi Avenue and 2 trees and 3 shrubs along 11th Street.
5. The dimensional change proposed by the waiver is the minimum dimension would allow for reasonable use of the site and does not negatively affect the health, safety and welfare of the community.

REVIEW CRITERIA

Section 9.4 (Review Criteria) states that “... *All waiver application approvals shall be found to be in compliance with the General Criteria (A) and the criteria established for the relevant code sections applicable to the waiver request below:*”

A. General Criteria

1. consistent with the *City of Gunnison Master Plan*;

No Conflict: The request is consistent with the City's Master Plan.

2. approval of the waiver will not jeopardize the community's health safety and welfare;

No Conflict: The redevelopment of this site improves the community's health, safety and welfare.

3. there are special circumstances or conditions which are peculiar to the land or building for which the Waiver is sought that is more suitable, functional, or is a better site design;

No Conflict: The site is constrained with two street frontages. The waiver design provides an appealing frontage with safe and functional parking, access and pedestrian facilities.

4. no Waiver shall result in a detriment to City services in terms of service function, general maintenance restrictions, and increased City costs for service and maintenance;

No Conflict: This waiver will not be a detriment to the City.

STAFF REPORT
Sportsman's Liquor – 713 West Tomichi Avenue

5. the developer is responsible for all development costs unless shared costs are determined by City Council;

No Conflict.

6. no Waiver shall be approved that is in conflict with any prevailing State or Federal law or regulation;

No Conflict.

7. the granting of the Waiver will not be injurious to the neighborhood surrounding the land where the waiver is proposed, and is otherwise not detrimental to the public welfare or the environment;

No Conflict. The waiver design enhances the neighborhood and provides safe pedestrian facilities and a landscaped buffer.

8. no Waiver will negatively affect the promulgation of any other development standard of this *LDC*.

No Conflict.

B. Landscaping, Buffer and Screening (§4.6)

1. Alternative design, specifications and layout are set forth in a detailed landscape plan that satisfies the purpose and intent of the landscape, buffering and screening standards.

No Conflict: The proposed plan is providing a 16 foot buffer along Tomichi Avenue that is adequate to provide the required landscape and screening requirements.

2. Reductions from the required buffer setbacks shall only be allowed if an alternative landscape design provides adequate buffering, or the use of the property is significantly diminished without a waiver due to rights-of-way width, road section constraints or lot dimensions.

No Conflict: The proposed plan provides adequate buffering and allows reasonable use of the site that includes functional parking and access and pedestrian facilities.

3. Waivers from buffer dimensional standards that protect residential property from non-residential property are not permitted unless it is found that the denial of the Waiver would render the property undevelopable.

No Conflict.

4. The Waiver is necessary for the placement of public utilities, public ditches, or stormwater facilities, and in which case an alternative buffer/landscape plan is proposed that fulfills the requirements to the maximum extent feasible.

No Conflict: The proposed plan is providing a 16 foot buffer.

5. Waiver from plant species types do not permit or create situations causing the proliferation of noxious weeds.

Not Applicable.

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Sportsman's Liquor – 713 West Tomichi Avenue

6. Waivers that preclude required site restoration or revegetation of disturbed areas shall not be granted.

Not Applicable.

7. Waivers from fences and walls shall not interfere with street or driveway site distance requirements required by the *LDC*.

Not Applicable.

8. Fence and wall Waivers shall not result in the use of plywood or sheet metal.

Not Applicable.

9. Waivers from service area screening shall not create a visual detriment to adjacent residential uses or from view of any public street.

Not Applicable.

ACTION

At the Planning and Zoning Commission meeting of July 15, 2015, Commissioner _____ moved, and Commissioner _____ seconded to APPROVE the request by Sportsman's Liquor, for a waiver of nine feet from the 25 foot Main Street buffer requirement at 713 West Tomichi Avenue based on the following findings of fact:

Findings of fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; provisions of the *City of Gunnison Land Development Code*; and the *City of Gunnison Master Plan* (2007).
2. The Planning and Zoning Commission finds that the application meets the review criteria as defined in the *Land Development Code* for waivers and landscaping, buffers and screening.
3. The Planning and Zoning Commission finds that the applicant is requesting a Waiver of nine feet for a total buffer width of 16 feet along the Tomichi Avenue frontage.
4. The Planning and Zoning Commission finds that the site is restricted in regard to the size of the lot, two street frontages, existing placement of the structure and drive-through access and parking requirements and pedestrian facility needs.
5. The Planning and Zoning Commission finds that the application does not diminish the long term health, safety, and welfare of the community.

Application Fact Sheet

City of Gunnison Land Development Code

Minimum Application Contents

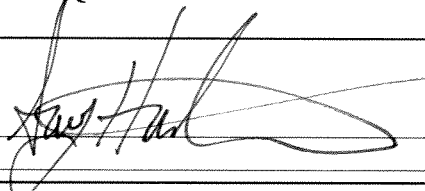
In accordance with §6.5 C.

City of Gunnison

P.O. Box 239

Gunnison, CO 81230

(970)641-8090

Applicant Name(s): <u>GARY HARTMAN</u>		
Phone #: <u>349.5311</u>	Fax #: _____	E-Mail: <u>GARY@SUNLITARCHITECTURE.NET</u>
Mailing Address: <u>PO Box 970</u>		
City: <u>CRESTED BUTTE</u>	State: <u>CO</u>	Zip: <u>81224</u>
Legal Description		
Site Address of Property: <u>713 W. TOMICHI AVE.</u> Zoning <u>(C) COMMERCIAL</u>		
Block: <u>24</u>	Lot(s): <u>1-2</u>	Addition: _____
Disclosure of Ownership- Please provide one of the following:		
<input checked="" type="checkbox"/> Assessor Parcel Info <input type="checkbox"/> Mortgage <input type="checkbox"/> Deed <input type="checkbox"/> Judgments		
<input type="checkbox"/> Liens <input type="checkbox"/> Contract <input type="checkbox"/> Easement Agreement <input type="checkbox"/> Other Agreements		
Summary of Request:		
<u>PROPOSED REDEVELOPMENT / RENOVATION / ADDITION</u> <u>TO THE SPORTSMAN'S LIQUOR STORE.</u>		
Attachments: <input type="checkbox"/> Vicinity Map (8.5"x11") <input checked="" type="checkbox"/> Description of Proposal		
<input type="checkbox"/> Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)		
<input type="checkbox"/> Vested Property Rights <input checked="" type="checkbox"/> Authorization of Agent (Power of Attorney from Owner, if not the applicant)		
<input checked="" type="checkbox"/> Site Plan (11"x17") to scale , includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Include a table for all dimensional requirements based on §2.6. (See attached sample)		
YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION		
Signature(s) <u></u>		Date <u>6/12/2015</u>
		Date _____
For Office Use Only		
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Variance	<input type="checkbox"/> Zoning Amendment
<input type="checkbox"/> Major Subdivision	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Subdivision Exemption
<input type="checkbox"/> Mobile Home/RV Park	<input type="checkbox"/> PUD	<input type="checkbox"/> Vacation
<input type="checkbox"/> Consolidated Application		



Date: June 12, 2015

Steve Westbay – Director of Community Development
Andie Ruggera – City Planner
City of Gunnison

(PH): 970-641-8152

Project: Sportsman's Liquor Store

Dear Mr. Westbay,

I am writing on behalf of the current Ownership for the above mentioned project. We are excited to move forward with a proposed renovation to the existing facilities located at 713 West Tomichi Ave. Through subsequent meeting with you and Mrs. Ruggera, we have been working through the Gunnison Land Development Code and have the following Waiver Requests.

I have attached the following to help with this review process:

- 1.) Authorization Form to allow Sunlit Architecture to act on the Owners behalf.
- 2.) Application Fact Sheet
- 3.) Ownership Disclosure
- 4.) Existing Condition Survey
- 5.) Proposed Zoning Plan showing the modifications required.

- 1.) We are requesting the City consider a Buffer Waiver for the Tomichi Avenue frontage.

We are requesting a waiver from the specific requirements found in *Section 4.6 – Landscaping, Buffer and Screening*.

Sub Section 4.e - Street Frontage Buffers- Requires a 25 foot buffer along the (*arterial*) street frontage. Due to the existing site configuration being only 50 feet deep along with the location of the existing building and required traffic circulation and parking requirements, this requirement cannot be accommodated.

The proponents are proposing a modified Landscape Buffer of 16 feet on the attached Zoning Site Plan. This requested waiver will provide the required sidewalk along Tomichi Avenue and a modified green belt with appropriate planting. The proponents would like to work with the Community Development Department to define and locate the appropriate plantings to enhance the street scape, which is currently not shown. The existing condition provides an asphalt access and parking area along the entire frontage with no green belt along Tomichi Avenue. It is the proponents feeling that this proposed modification will still provide an enhancement to the street frontage that furthers the City goals for beautification of the Tomichi Street frontage.

- 2.) We are requesting the City consider a Parking Waiver that would allow for the Director of Community Development to authorize a 20% reduction in parking requirements.

We are requesting a waiver from the specific requirements found in *Section 4.4 – Off Street Parking and Loading*.

Sub Section D –Minimum Off-Street Parking (Table 4-7)

Table 4-7 would require this development to provide 5 parking spaces based on the Use (Retail = 1 space /250 sqft and Storage = 1 space per 1,000 sqft).

Due to the existing lot configuration, existing building location and the requirement for a loading area and an ADA Van Accessible parking space, this development cannot accommodate the total required parking.

The proponents propose providing the required ADA Van Accessible space, which is an oversized parking space along with 3 other parking spaces. We are not proposing parking within the City Right-of-Way along 11th Street for overflow parking and devoting this as a landscape buffer, which was used as parking in an overflow situation by the existing development. The proponent feel that it will meet its current usage demands for parking by continuing to utilize the existing drive through purchase window which increases patron turn over and diminishes the need for standard parking.

Please let me know if there is any further information we can provide to help with this endeavor. We appreciate your time in review of this application.

Respectfully,



Gary Hartman, AIA
Principal

cc: Kevin Logan (Owner)
File

Authorization of Agent

I/we, the undersigned owner/s of the following described real property located in the City of Gunnison, Colorado, hereby authorize:

GARY HARTMAN (SUNLIT ARCHITECTURE)

to act in my/our behalf in applying for the following permits from the City of Gunnison, as required by the UBC regulations pertaining to zoning, building and sanitation. Let it also be known that there are amendments to the 1994 UBC as stated in Chapter 14 Article 1:3 of the Gunnison Municipal Code book.

Legal property description (quarter sections, section, township and range, or Lot and Addition/Subdivision name plus street address assigned by the Building Official):

713 WEST TOMICHI AVE. GUNNISON, COLORADO

Type/s of permit applied for:

1) DEVELOPMENT APPLICATION

2) BUILDING PERMIT

Signature: [Signature]

Property owner of record

12 May 15

Date

Signature: _____

Property owner of record

Date

Signature: _____

Property owner of record

Date

[Assessor Quick Links](#)
[Gunnison Assessor Home](#)
[Find Property Records](#)



Assessor Property Record Search

Property Record Card (PRC)

Owner and Parcel Information

Owner Name & Mailing Address
 LOGAN KEVIN OLIE C/O SPORTSMAN LIQUOR
 713 W TOMMICH AVE
 GUNNISON, CO 81230-3036
Business Name: SPORTSMANS DRIVE IN LIQUOR STORE

Today's Date: June 16, 2015
Appraisal Year: 2015

Account Number: R002176
Parcel Number: 3787-021-04-002
Account Type: Commercial
Economic Area: Econ Area 1
Tax District: 100
Mill Levy: 56.217

Property Location: 713 W TOMMICH AVE, GUNNISON
Neighborhood: COMMERCIAL TOMMICH AVE
LEA: COMMERCIAL HWY 50 (12320)
Subdivision: WEST GUNNISON
Condo:
Legal Description: LOTS 1-2 BLK 24 WEST GUNNISON #563212
Parcel Notes: TOTAL PARCEL = 6,250 SF

[Parcel Map](#)
[Building Photos](#)
[Building Sketches](#)
[Generate Neighboring Owner List by Distance](#)
[Search Sales By Subdivision](#)

[Show Parcel Map](#)

[Building Images](#)

[Building Sketches](#)

2015 Assessment Information

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
\$60,220	\$17,460	\$165,280	\$47,930	\$225,500	\$65,390

Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2014	\$204,480	\$59,300	56.217	\$3,333.67
2013	\$204,480	\$59,300	49.778	\$2,951.85
2012	\$171,430	\$49,710	44.152	\$2,194.81
2011	\$171,430	\$49,710	44.343	\$2,204.29
2010	\$346,030	\$100,350	40.939	\$4,108.23
2009	\$346,030	\$100,350	39.757	\$4,001.76
2008	\$266,010	\$77,150	41.387	\$3,203.96

STAFF REPORT
Minor Subdivision – Final Plat
Gunnison County Pioneer and Historical Society

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: July 10, 2015
RE: Minor Subdivision - Final Plat

CODE PROVISIONS

The City's *Land Development Code (LDC)* Section 12.3 defines the types of subdivision within the City. The applicant received a reclassification as a Minor Subdivision based on the provisions in Section 10.3 of the *LDC*, which allows for such change if the five review standards can be demonstrated. A Minor Subdivision is subject to an expedited subdivision two-step review process, wherein the Sketch Plan review by the Commission has been deleted. The applicable review steps are as follows:

1. Review of the preliminary plat by Planning Commission at a public hearing;
2. Review and recommendation of the final plat by Planning Commission (with no public hearing); and action on the final plat by City Council (with no public hearing).

The Planning and Zoning Commission reviewed and approved the Preliminary Plat at a public hearing on May 27, 2015 with the condition that the Final Plat application shall comply with all provisions of the City's *Land Development Code*.

The Planning and Zoning Commission reviews the Final Plat application and may recommend to City Council to approve, approve with conditions, remand the application for additional information, or deny the application.

APPLICANTS

The applicant, Gunnison County Pioneer and Historical Society, represented by CJ Miller is requesting a Minor Subdivision of a portion of the Gunnison Rising Annexation. The legal description of the property is a portion of land within the NE1/4, Section 1, T49N, R1W, NMPM, Tomichi Creek Corridor Annexation, reception number 597050, City and County of Gunnison, State of Colorado. The applicants' narrative states:

“This proposed subdivision is associated with a land gift from Gunnison Valley Properties to the Gunnison County Pioneer and Historical Society. The subdivision is sought in order to establish clear title for the general warranty deed that will be executed and recorded. The property will be deed restricted to ensure that uses are limited to museum related functions and the property cannot be transferred to a third party.

The subdivision parcel is within the Gunnison Rising Annexation. Terms and conditions for the use of the property are established in the *Gunnison Rising PUD Development Standards* (as amended) and the *Gunnison Rising Annexation Agreement* (as amended).”

STAFF REPORT
Minor Subdivision – Final Plat
Gunnison County Pioneer and Historical Society

SITE ASSESSMENT

The property is located in the IM (Business and Research Park) PUD zone district within the Gunnison Rising Annexation. The property was gifted to the Gunnison County Pioneer and Historical Society by Gunnison Valley Properties, LLC. A General Warranty Deed for the property has been given to the applicant; however, the document has not been recorded. Subdivision of the property is required before the deed can be recorded to ensure a clear title to the property.

The proposed subdivision creates one parcel that is 8.16 acres (335,449.6 square feet) for the museum. The gifted property is bordered by the Pioneer Museum to the north, a tail water ditch to the east, County Road 49 and the Gunnison-Crested Butte Regional Airport to the south and the City of Gunnison (Jorgensen Park and the future Dog Park) to the west.



No public streets or alley dedications are proposed for the subdivision. Access will be provided from the existing museum property and the proposed subdivided property fronting Adams Street. The intended use of the property is for the expansion of the Pioneer Museum that may include the display of historical structures and other large historical artifacts. Internal paths and sidewalks will be constructed as needed for safe access throughout the museum.

UTILITIES

The proposed subdivision will be served by private utility extensions. Future City owned utility extensions will be located only within a dedicated 40 foot-wide utility and pedestrian easement, (as part of the recorded plat) located on the southern portion of the proposed subdivision parcel.

STAFF REPORT
Minor Subdivision – Final Plat
Gunnison County Pioneer and Historical Society

DRAINAGE DITCH

The subdivided parcel is encumbered by a 1902 easement benefiting the City for the purpose of a drainage ditch. The easement location does not follow the existing drainage ditch and will be considered for a vacation through a separate document following the recording of the Final Plat.

DEPARTMENTAL COMMENTS

Building Official: No issue.

Fire Marshal: No issue.

Parks and Recreation Department: No issue.

Police Department: No issue.

Public Works Director: No issue.

City Engineer: No issue.

Water and Sewer Superintendent: No issue.

Electric Superintendent: No issue.

STAFF OBSERVATIONS

1. The applicant is requesting a Minor Subdivision to subdivide approximately eight acres from a large tract of land within the Gunnison Rising Annexation.
2. The subdivision is located in the IM (Business and Research Park) PUD zone district within the Gunnison Rising Annexation.
3. The subdivision would allow the expansion of the Pioneer Museum.
4. A 40 foot-wide utility and pedestrian easement is proposed along the south portion of the proposed subdivision.
5. Under a future application, the property owner will propose to vacate the 1902 ditch easement and to create a new drainage ditch easement along the existing ditch line.
6. Site access is provided from the existing Pioneer Museum and the Adams Street right-of-way.
7. A water line may be necessary to accommodate fire flow demands of new construction within the subdivision area and will be addressed in conjunction with building permit applications.
8. The Drainage Report indicates there is ample room for detention storage to enhance water quality as construction occurs.
9. The Gunnison Rising PUD did not contemplate a use similar to the museum and a Major Change to the *PUD Development Standards* will be required prior to making substantial changes on the newly deeded property.
10. The Gunnison Rising Annexation was approved under the context of a Master Planned Community with completed road extensions, parks, open spaces, specific land uses, and natural resource conservation measures. This proposed subdivision is consistent with the intent of the *Gunnison Rising Mater Plan* directives.
11. The recorded deed will limit property use exclusively for museum purposes and will prohibit further subdivision and title conveyance to a third party.
12. The requested subdivision does not negatively affect the health, safety and welfare of the community.

STAFF REPORT
Minor Subdivision – Final Plat
Gunnison County Pioneer and Historical Society

REVIEW STANDARDS

The *LDC* Section 12.8 contains eight specific standards that are used by the Planning and Zoning Commission and City Council to consider for all subdivision applications. Based on the *LDC* Section 6.8, **an application that fails to comply with any applicable review standard shall be denied.**

A. **Master Plan.** The proposed subdivision shall carry out the purpose and spirit of the Master Plan and conform to all of the Plan's applicable intent statements, specific directions and recommended actions. It shall be designed to be compatible with surrounding land uses, to protect neighbors from undesirable noise, glare and shadows and shall not cause adverse effects on their privacy, solar access and views. The following excerpts from the Master Plan are applicable to this subdivision.

No Conflict.

Chapter 2, Community Character, Policy 3: New developments along the City's edges will improve the entrances and complement the City's community character and sense of place.
Chapter 5, Land Use and Growth, Goal: Growth and development will preserve and enhance the quality of life which makes Gunnison unique and attractive. Edges of the community remain clearly defined.

B. **Zone District Standards.** The proposed subdivision shall comply with the use and dimensional standards of the underlying zone district and shall provide off-street parking as required for the use.

Possible Conflict. The property is located within the IM PUD zone district and modification to the land use table will be needed prior to expansion of the museum property.

C. **Improvements.** The proposed subdivision shall be provided with improvements which comply with Section 4 and 5.

No Conflict.

1. **Streets.** Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.

No Conflict: Public streets and alleys are not proposed within this subdivision.

2. **Utilities.** Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision. As a condition of obtaining water service, any water rights which run with the property shall be dedicated to the City.

No Conflict. Utilities exist to the site. A 40 foot-wide utility and pedestrian easement is located on the south portion of the subdivided property for the future extension of utilities to serve Gunnison Rising.

3. **Landscaping.** Landscaping, buffering and screening as required by Section 4.6 shall be achievable given the underlying lot widths and rights-of-way dimensions.

No Conflict: The site is already developed and has mature landscaping.

STAFF REPORT
Minor Subdivision – Final Plat
Gunnison County Pioneer and Historical Society

4. **Phases.** If the subdivision is to be developed in phases, each phase shall contain the required parking spaces, landscape areas, utilities, and streets that are necessary for creating and sustaining a stable environment.

Not Applicable.

- D. **Natural Features.** The layout of lots and blocks shall provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for residents and protecting them from adverse noise and vehicular traffic. The system of roadways and the lot layout shall be designed to take advantage of visual qualities of the areas. Natural features and native vegetation shall be preserved whenever possible.

Not Applicable.

- E. **Floodplains.** Tracts of land or portions thereof lying within the one hundred year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City's floodplain regulations can be met.

No Conflict. The property is not within a special flood hazard area.

- F. **Future Streets.** When a tract is subdivided into lot(s) or parcel(s) which are intended for future re-subdivision, such lot(s) or parcel(s) shall be so arranged so as to permit the logical location and opening of future streets and appropriate re-subdivision, with provision for adequate utility easements and connectors for such re-subdivision.

No Conflict. The 40 foot-wide easement will include the right for non-motorized public access.

- G. **Common Recreation Facilities.** Where a development is proposed to contain common recreation facilities, such facilities shall be so located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.

Not Applicable.

H. Lots and Blocks

1. **Pattern.** The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing City pattern. Blocks generally shall not be less than 300' nor more than 1,200' in length.

No Conflict. The proposed lot sizes, shapes and orientation are appropriate and consistent with the surrounding neighborhood and the *Gunnison Rising Roadway Master Plan*.

2. **Frontage.** Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot.

Not Applicable.

3. **Right Angles.** Side lot lines shall be approximately at right angle or radial to street lines.

STAFF REPORT
Minor Subdivision – Final Plat
Gunnison County Pioneer and Historical Society

No Conflict. Lot lines are appropriately angled.

4. Double Frontage Lots. Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of the topography or orientation. A planting and screening easement of at least 10” shall be provided along the portion of the lot which abuts such a Collector or Arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.

No Conflict.

5 T Intersections. The building area of lots shall not face directly into the oncoming traffic of an intersecting street of a “T” intersection.

No Conflict.

6. Solar Energy. For the purposes of protecting and enhancing the potential for utilizing solar energy in the proposed subdivision, detached single family lots are encouraged to be laid out in such a manner that the houses will be oriented so that their long axis will run east/west and so that the houses will not block the solar access of adjacent houses.

Not Applicable.

ACTION

During the Planning and Zoning Commission meeting of July 15, 2015, Commissioner _____ moved, Commissioner _____ seconded and the Planning and Zoning Commission voted to recommend APPROVAL to the City Council, SB 15-1 Minor Subdivision Final Plat, Pioneer Museum Subdivision with the following findings of fact:

Findings of Fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this application is for a Minor Subdivision creating a parcel approximately eight acres and located in the Gunnison Rising Annexation.
3. The Planning and Zoning Commission finds that the subdivision is located in the IM (Business and Research Park) PUD zone district within the Gunnison Rising Annexation.
4. The Planning and Zoning Commission finds that the subdivision of the subject property is compatible with the surrounding neighborhood.

STAFF REPORT
Minor Subdivision – Final Plat
Gunnison County Pioneer and Historical Society

5. The Planning and Zoning Commission finds that a 40 foot-wide easement for utilities and pedestrian access has been established on the Final Plat.
6. The Planning and Zoning Commission finds that the applicant desires, under a future application, to vacate a ditch easement recorded in 1902 and to create a new drainage ditch easement along the existing ditch line that will be established as a separate document from the Final Plat.
7. The Planning and Zoning Commission finds that a water line may be necessary to accommodate fire flow demands of new construction within the subdivision area and will be addressed in conjunction with building permit applications.
8. The Planning and Zoning Commission finds that the Drainage Report indicates there is ample room for detention storage to enhance water quality as construction occurs.
9. The Planning and Zoning Commission finds that the Gunnison Rising PUD did not contemplate a use similar to the museum and a Major Change to the *PUD Development Standards* will be required prior to making substantial changes on the newly deeded property.
10. The Planning and Zoning Commission finds that the Gunnison Rising Annexation was approved under the context of a Master Planned Community with completed road extensions, parks, open spaces, specific land uses, and natural resource conservation measures. This proposed subdivision is consistent with the intent of the *Gunnison Rising Mater Plan* directives.
11. The Planning and Zoning Commission finds that the recorded deed will limit property use exclusively for museum purposes and will prohibit further subdivision and title conveyance to a third party.
12. The Planning and Zoning Commission finds that the eight review standards for subdivisions have been or will be met and recommends that City Council approve the Final Plat.

Application Fact Sheet

City of Gunnison Land Development Code

Minimum Application Contents

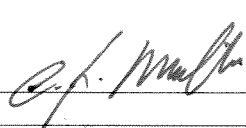
In accordance with §6.5 C.

City of Gunnison

P.O. Box 239

Gunnison, CO 81230

(970)641-8090

Applicant Name(s): <u>CJ Miller</u> <u>Gunnison County Pioneer & Historical Society</u>		
Phone #: <u>596-4173</u> Fax #: _____ E-Mail: _____		
Mailing Address: <u>PO Box 824</u>		
City: <u>Gunnison</u> State: <u>CO</u> Zip: <u>81230</u>		
Legal Description		
Site Address of Property: <u>See plat</u> Zoning <u>IM</u>		
Block: _____ Lot(s): _____ Addition: <u>Gunnison Rising</u>		
Disclosure of Ownership- Please provide one of the following:		
<input type="checkbox"/> Assessor Parcel Info <input type="checkbox"/> Mortgage <input type="checkbox"/> Deed <input type="checkbox"/> Judgments		
<input type="checkbox"/> Liens <input type="checkbox"/> Contract <input type="checkbox"/> Easement Agreement <input type="checkbox"/> Other Agreements		
Summary of Request:		
<u>Minor Subdivision - Final Plat</u>		
Attachments: <input type="checkbox"/> Vicinity Map (8.5"x11") <input type="checkbox"/> Description of Proposal		
<input type="checkbox"/> Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)		
<input type="checkbox"/> Vested Property Rights <input type="checkbox"/> Authorization of Agent (Power of Attorney from Owner, if not the applicant)		
<input type="checkbox"/> Site Plan (11"x17") to scale , includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Include a table for all dimensional requirements based on §2.6. (See attached sample)		
YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION		
Signature(s) <u></u> Date <u>7/16/15</u>		
_____ Date _____		
For Office Use Only		
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Variance	<input type="checkbox"/> Zoning Amendment
<input type="checkbox"/> Major Subdivision	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Subdivision Exemption
<input type="checkbox"/> Mobile Home/RV Park	<input type="checkbox"/> PUD	<input type="checkbox"/> Vacation
<input type="checkbox"/> Consolidated Application		

I. Minimum Contents.

1. Minimum Application Content

A. Standard Application form (LDC Section 6.5.C)

- **Name, address, phone**

Gunnison County Pioneer and Historical Society
803 E. Tomichi Avenue
PO Box 824
Gunnison CO, 81230

- **Legal**

Within the NE1/4, Section 1, T49N, R1W, NMPM, Tomichi Creek Corridor Annexation,
Rec # 597050

- **Ownership Disclosure**

A copy of the Deed is attached. See Enclosure 1

- **Vicinity Map**

See Section II B, below

- **Written Description**

This proposed subdivision is associated with a land gift from Gunnison Valley Properties to the Gunnison County Pioneer and Historical Society. The subdivision is sought in order to establish clear title for the general warranty deed that will be executed and recorded. The property will be deed restricted to ensure that uses are limited to museum related functions and the property cannot be transferred to a third party.

The subdivision parcel is within the Gunnison Rising Annexation. Terms and conditions for the use of the property are established in the *Gunnison Rising PUD Development Standards* (as amended) and the *Gunnison Rising Annexation Agreement* (as amended).

- **Adjoining Property Address List**

City of Gunnison (Jorgenson Park)
PO Box 239
Gunnison, CO 81230

Gunnison Valley Properties, LLC
864 W. South Boulder Road
Louisville, CO 800272410

- Gunnison County Airport

200 E. Virginia Avenue
Gunnison, CO 81230

II. Preliminary Application Contents (Section 12.6.B)

1. **Minimum Contents**

See Section I above

2. **Form**

All data provided in this application are clearly depicted and displayed in a clear format.

3. **Preliminary Plat**

See Enclosure 2

4. Vicinity Map.



5. **Existing Conditions Map** 11" x 17" See Enclosure 3
6. **Location of Public Facilities**

No public streets, alleys or other dedications are proposed for the subdivision. Access will be provided from the existing museum property fronting Adams Street. The existing museum property also fronts US Highway 50. The eastern and south fringes of the proposed subdivision are adjacent to a tail water ditch from the Gunnison Rising development area. Dedication of a 40 foot-wide easement, adjacent to County Road 49 (Airport perimeter road), is proposed to accommodate utilities, public trail connectivity and maintenance of the existing ditch.
7. **Sidewalks**

Public sidewalks will not be constructed as part of the site improvements.
8. **Land Dedications**

The 40 foot-wide easement adjacent to County Road 49 will be dedicated as part of the recorded plat.
9. **Lot Square footage and Gross Acreage**

The proposed subdivision is approximately 355,449.6 square feet or 8.16 acres.
10. **Limits of Disturbance**

The intended use of the property is to place and display historical structures and other large historical artifacts donated to the museum. Pad sites will be constructed as needed for the placement of structures. Paths and sidewalks will be constructed as needed to provide safe access for museum visitors to view the historical features.
11. **Drainage Report.** See Drainage Report Letter from Williams Engineering, LLC
12. **Utilities**

The proposed subdivision will be served by private utility extensions. The only City owned utility extensions will be located within a 40 foot-wide utility and pedestrian easement located on the southern fringe of the subdivision parcel. At this point in time, electrical service lines and ground transformers are being contemplated.

The major consideration will be any water line extensions necessary to accommodate fire flow demand. Fire flow demand is based on building construction type and building occupancy. Existing fire hydrants are located on the perimeter of the site, and based on size and use of existing buildings in the museum the fire flow demand will be relatively minimal. The extension of water mains to accommodate fire protection mandates will be addressed in conjunction with building permits associated with future improvements.
13. **Commitment Letters**

Natural gas, phone and other private utilities will not be extended into the subdivision site.
14. **Preliminary Drawings**

This application requirement has been waived by the Community Development Director because city owned utilities will not be extended into the site.
15. **Road Plans**

This application requirement has been waived by the Community Development Director because public rights of way and roads will not be extended into the site.

16. Grading Plan

This application requirement has been waived by the Community Development Director because city the nature of the future property use will not warrant extensive over-lot grading.

17. Hazard Mitigation Plan

The subdivision site is outside of any Special Flood Hazard Area. No identified hazard areas exist on the proposed subdivision site, based on documents provided in the Gunnison Rising Annexation.

18. Slopes Greater than 10 Percent

The site is on terrain with gradual slope and the average grade across the site is less than 10 percent.

19. Anticipated Development Phasing. The museum board anticipates that this site will build out within 40 to 60 years. Improvements will be made as donations are given to the museum. The capital improvement budget is generally between \$15,000 and \$18,000 annually. In the last five years a total of nine buildings (3,168 square feet) were constructed.

20. Title Insurance See attached.

21. Site Development Tabulation.

PUD Requirements	Proposed
Minimum lot size 10,000 SF	355,449 SF
Maximum lot coverage 80%	284,359 SF Max
Landscaping 10% + Perimeter buffers	35,545 SF Min. plus buffers
Side Setback 15'	15'
Rear Setback 15'	15'
Front Setback 25'	25' front all public roads
Maximum Bldg Ht. 35'	35'
Zoning District buffer 30'	southern and west boundary
Highway 50 buffer 50'	

22. Development Report

- a. **Site Characteristics.** As noted on the existing conditions map (Section 5, above) the proposed subdivision is outside of the Special Flood Hazard Area. Based on a written determination by the Army Corps of Engineers (2009), jurisdictional wetlands are not present on the site. However, the ACOE determination has expired and future development may be subject to site inventory mapping and verification that wetlands are not present.

The subdivision parcel in low lying area and high ground water conditions are likely. The high ground water conditions may affect foundation designs.

- b. **Soils.** Three soils types are found on the subdivision site, based on the Natural Resource Conservation Service, Web-Soils Survey. The upland area is covered with the Bosler Sandy Loam, which forms on slopes of 1-5 percent. The Irin Loam encompasses the low-land fringes on the southern part of the subdivision site and it is a typical soil found in floodplains of the basin. The Dewville Loam is mapped in the northeast corner of the site.

Based on the *Master Drainage Study for Gunnison Rising* (2013) the site soils are classified in Hydrologic Soil Groups B, C, D. In general, these soils groups are moderate- to poorly drained. Soils found on the subdivision site have low shrink/swell potential. Soil characteristics should not present any significant constraint for foundation design.

- c. **Geology.** The proposed subdivision site is located on a river terrace formed by Tomichi Creek. Site materials consist of alluvial deposits. The meandering channel of Tomichi Creek form Oxbow features within the floodplain of the valley, and they are typically deep silt and clay deposits. An engineered foundation design is warranted if significant clay/silt materials are found during excavation.



- d. **Water Supply and Sewage Disposal.** The property is to be deed restricted to limit use to the purposes of the museum. While structures may be located on the property they will not be occupied, rather visitors will tour the facilities. Private electrical service extensions are anticipated for any new facility exhibits located on the new subdivision tract. At this point in time the museum officials do not anticipate the need for sewer and water services on the subdivision site – public restrooms are available in the existing Museum Center. Museum officials are aware of the fact that the placement of new exhibits may be subject to adopted building codes and fire codes, and the extension of water lines to meet fire demands may be necessary in the future.
- i. Availability to Serve. The only utility extensions proposed for the site are private service lines. If a water line extension is required to fulfill fire flow demand it will be a private line sized to accommodate fire flow demands as set forth in the International Fire Code.
- ii. Water Rights. There are no water rights associated with this subdivision.
- e. **Costs of Improvements, Phases & Covenants.** No public improvements are anticipated for the subdivision, but a 40 foot-wide utility and trail easement is included on the plat in order to facilitate utility extensions that will serve future development in the Gunnison Rising Annexation. This land gift will more than double the land area of the museum and will accommodate property needs well into the future – no phasing development plans have been contemplated

This proposed subdivision is associated with a land gift from Gunnison Valley Properties to the Gunnison County Pioneer and Historical Society. The subdivision is sought in order to establish clear title for the general warranty deed that will be executed and record. The property will be deed restricted to ensure that uses are limited to museum related functions and the property cannot be transferred to a third party.

- f. **Solar Energy.** The subdivision site has an excellent southern orientated aspect and solar alternatives could easily be established for the site.
- g. **Floodplain.** No Special Flood Hazards are located on the subdivision site.
- h. **Wetlands.** A letter from the Army Corps of Engineers (ACOE) to Gunnison Valley Partners (June 13, 2008), which was associated with the annexation, verified that no jurisdictional wetlands were located on the site. However, this ACOE letter of verification was only valid for a five year period. The museum officials may be required to obtain additional determinations in the future if potential wetlands may be impacted.
- i. **Traffic Analysis.** Future traffic demands from the museum are not anticipated to be substantial. Access to the museum is from Adam Street. The Highway 50 Access Control Plan (2013) established Adams Street as a full-movement intersection. Anticipated future peak traffic movements are anticipated to be relatively minimal.

Based on the Institute of Transportation Engineers, Trip Generation (6th Edition) this type of land use will generate 5.37 vehicle trips per acre per day. Based on this published trip multiplier, approximately 43 additional trips per day for the museum use can be expected in the future.

- j. **Irrigation Ditch System.** As previously stated a large tail-water ditch is located on the south and east perimeter for the subdivision site and it encumbers only a small portion of the museum site. A small lateral ditch drains into this area in the common corner of the museum and the City's future dog park site. A culvert has been placed on an existing access point that crosses this small irrigation and no other improvements are anticipated. Improvements will be very minimal.
- k. **Landscape Plan.** The proposed 40 foot easement on the southern border of the subdivision will provide for adequate street buffering which is required by the PUD. There is no highway frontage on the proposed subdivision which precludes the need for a landscape buffer. The PUD landscape requirements will be accomplished as museum improvements expand into this area.
- l. **Final Plan Application Content Modification Request.** No modification requests are proposed by this application.

ENCLOSURE 1: Plat Map

DEDICATION

A parcel of land within the NE1/4 of Section 1, Township 49 North, Range 1 West, New Mexico Principal Meridian, Gunnison County, Colorado, more particularly described as follows:

Commencing at the northeast corner of said Section 1, as marked by a USGLO brass cap Witness Corner which bears North 00°30'00" East 50.16 feet from the true corner, thence South 81°50'16" West to the northeast corner of that property described by deed recorded in Book 385 at page 298 in the 298 in the records of Gunnison County, Colorado, as marked by a 5/8 inch rebar with a one inch aluminum cap stamped "LS 1776" (this tie being previously recorded as South 81°52' West 467.9 feet), the POINT OF BEGINNING of the herein described parcel, thence the following courses:

1. South 59°40'00" West 1070.97 feet along the southerly boundary of said property, and its extension, to the west boundary of the east 28 feet of Adams Street, as platted of the Map of Boucher's Addition to Gunnison (said boundary also being 22 feet east of the platted centerline of said Adams Street);
2. South 00°00'00" West 598.09 feet along said boundary, (also parallel to and 22 feet east of said centerline), to the south boundary of that property described by deed recorded at Reception No. 611266 in said records;
3. South 89°50'04" East 58.05 feet along said boundary;
4. North 73°35'30" East 197.60 feet along said boundary;
5. North 31°39'37" East 209.35 feet;
6. North 18°56'17" East 449.88 feet;
7. North 45°23'06" East 406.83 feet;
8. North 53°12'00" East 211.68 feet;
9. North 29°41'55" West 77.19 feet to the POINT OF BEGINNING.

has laid out and platted the same as shown on this plat and does hereby grant and dedicate to the City of Gunnison, a Colorado home rule city and municipal corporation, a 40 foot wide perpetual non-exclusive easement, (the "Permanent Easement", for the City of Gunnison, a Colorado home rule city and municipal corporation [the "City"]), to enter, occupy and use said property for pedestrian use over and across the surface of the Property and to construct, reconstruct, use, operate, maintain, repair, patrol, replace, enlarge or remove one or more pipelines, conduits, poles, vaults, meters, regulator stations, switches, transformers, valves, hydrants, manholes, or any other utility structures (including, but not limited to communication facilities), and all necessary underground or aboveground cables, wires and appurtenances thereto, including, but not limited to, electric or other control systems, cables, wires, connections and surface appurtenances (the "Improvements") in, on, over, under and across the Property.

Executed this _____ day of July, 2015.

Gunnison Valley Properties, LLC

By: L. Richard Bratton, Manager

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this _____ day of July, 2015, by L. Richard Bratton, Manager, Gunnison Valley Properties, LLC.

Witness my hand and official seal.

My commission expires _____

Notary Public

PLANNING AND ZONING COMMISSION APPROVAL

This plot is approved by the City of Gunnison Planning and Zoning Commission
this _____ day of _____, 200__.

Chairman

CITY COUNCIL APPROVAL

This plat is approved for filing and the City hereby accepts the dedication of the streets and roads shown hereon subject to the provisions in "Street Maintenance" set forth above, and further accepts the dedication of the easements shown hereon.

Signed this _____ day of _____, 200__.

CITY OF GUNNISON

BY: _____
Mayor

RECORDED'S CERTIFICATE

RECORDED'S CERTIFICATE
This plat was filed for record in the office of the County Clerk and
Recorder of Gunnison County at _____ M on the _____ day of _____,
200____. Reception No. _____.

County Clerk and Recorder

BY: _____
Deputy

PEARSON SURVEYING
P.O. BOX 652
GUNNISON, CO 81230
970-641-2910
PROJECT # 15-1-1

DATE : 4/16/15
LATEST REVISION DATE : 7/8/15

SHEET 1 OF 1

LEGEND

- Found USGLO Brass Cap
- Ⓐ Found rebar with aluminum cap stamped "LS 1776"
- Ⓢ Found rebar with aluminum cap stamped "LS 25644"
- Set rebar with plastic cap stamped "LS 34979"

NOTES:

1. Property was located by field measurements from city monument at the intersection of Main Street with Tomichi Avenue. Basis of bearings is NORTH between said monument and a similar monument at the intersection of Main Street with Denver Avenue.

SURVEYOR'S CERTIFICATE

I, Timothy E. Pearson, a registered land surveyor in the State of Colorado, certify that this plat and the survey referred to herein were made under my direction and control and that both are true and correct to the best of my knowledge.

Dated this _____ day of _____, 2015.

Timothy E. Pearson
Colorado L.S. No. 34979

ATTORNEY'S OPINION

I, L. Richard Bratton, an attorney at law licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in Gunnison Valley Properties, LLC, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Rights or claims or parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. (a) Unpatented mining claims: (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof: (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
4. A right of way for ditches or canals constructed by the authority of the United States as reserved in United States Patents for the subject property.
5. All Patent reservations as reserved in United States Patent(s) recorded May 5, 1890 in Book 101 at page 24; including:
 - a. Any vested and accrued water rights for mining, agriculture, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts;
 - b. The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.
6. Right of Way to the Town of Gunnison for a waste water ditch, recorded October 3, 1902 in Book 155 at page 253.
7. Terms, conditions, stipulations and obligations as set forth in the Gunnison Rising Annexation Agreement recorded February 24, 2010 as Reception No. 597048 and Ordinance approving said annexation recorded February 24, 2010 as Reception No. 597049, the Real Estate Transfer Assessment Declaration recorded February 24, 2010 as Reception No. 597051, Supplement to Annexation Agreement recorded October 7, 2010 as Reception No. 601235 and second Supplement to Annexation Agreement recorded August 18, 2011 as Reception No. 607478.
8. Those items as indicated on the Tornichi Corridor Annexation Plat recorded February 24, 2010 as Reception No. 597050.
9. Aviation Easement and Right of Way granted to the City of Gunnison by Gunnison Valley Partners, LLC, a Colorado limited liability company as set forth in the instrument recorded on February 24, 2010 as Reception No. 597056.
10. Notice of Transfer Fee filed by the City of Gunnison as set forth in the instrument recorded September 30, 2011 as Reception No. 608623.
11. Access and Utility Easement for the benefit of The State of Colorado, by and through the Colorado division of Wildlife as set forth in the instrument recorded on November 30, 2009 as Reception No. 595416.

Dated as of the 1st day of May, 2015 at 8:00 A.M.

L. Richard Bratton

DRAFT MINUTES JUNE 24, 2015
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING

7:00PM

MEMBERS	PRESENT	ABSENT	EXCUSED
Erik Niemeyer			X
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Sharon Cave	X		
Greg Larson	X		
Councilor Matt Schwartz	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Planning Technician Michelle Spain

I. CALL TO ORDER AT 7:04 PM BY CHAIR GREG LARSON

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. UNSCHEDULED CITIZENS There were none

IV. CONSIDERATION OF THE JUNE 10, 2015 MEETING MINUTES

Commissioner Cave moved and Commissioner Beda seconded, to approve the June 10, 2015 meeting minutes as presented.

Roll Call Yes: Larson, Schwartz, Beda, Tocke, Cave
Roll Call No:
Roll Call Abstain: Ferchau
Motion carried

V. COUNCIL UPDATE: Matt Schwartz started his review.

- Dump stations for motor homes were discussed. Currently there is not a public station that is available for residents and or guest of the City. One idea was to remove the dump station signage. Tex Bradford, Director of Public Works, suggested that the gate be left unlocked and allow visitors to access this station. Council agreed. There still is not water available to this station.
- The representatives from Federal Emergency Management Agency (FEMA) presented the City of Gunnison with a plaque for getting our Flood Hazard rating from 9 to 7. This lower rating is beneficial for all citizens when it comes to insurance premiums. Eric Jansen has taken the lead on this program and with the assistance of staff in Community Development this rating was recognized. One of the main components was the protection of designated flood areas from future development.
- Liability insurance for Council members was reviewed.
- Refinancing the 2007 recreation bonds to a possible private sector was reviewed and recommended by Ben Cowan, Director of Finance. There is a possible large savings to be made by refinancing at this time.
- Road changes were the next item on the agenda. The process of acquiring Colorado Department of Transportation (CDOT) permits was brought up. Many of the local citizens were unaware of the process in order to set up the requested bike lanes. The engineers of Fox, Tuttle, Hernandez, Transportation Group have made recommendations and will be assisting in this implementation.
- Statements of Opposition on the Tomichi Creek Basin Water Rights Cases will be filed.
- Ordinance No.5, Series 2015; Gunnison Municipal Code and Land Development Code Text Amendments Regarding Marijuana Facilities Regulations passed.
Ordinance No. 6, Series 2015; Gunnison Municipal Code Text Amendment Regarding Noise/Idling Engines passed

Resolution No. 12: Series 2015; Setting City Application and License Fees for Marijuana Facilities passed.

Resolution No. 13, Series 2015; Adoption of City Parks & Recreation, Master Plan passed.

VI. COMMISSIONER COMMENTS

- Tocke started with his observations on the similarities of the City's current Comprehensive Plan and the County's One Valley Prosperity Project (OVPP). The cost of housing, low wages, current street configurations seems to be a contradiction to report that Gunnison is a good place to raise a family.
- Larson was concerned with the stated poverty rates and how a family could actually survive.
- Westbay responded that there are major differences between these two reports. The demographics are not the same. The Sonoran Institute has contacted Westbay to compile items that could be integrated for their report.
- Ferchau explained what Vacation Rentals by Owner (VRBO) were and who utilizes this product.
- Tocke discussed the current rental market and the policy of Western State College University (WSCU) concerning on campus living by freshman and sophomores. This policy was thought to be controversial and really did not affect the market. Deed restricted parcels were also reviewed.
- Beda brought up the dirt work being done east of the City. This is the Bratton project mitigation around the gravel pit. He also observed the height of the Taylor Reservoir and Blue Mesa Reservoir.

VII. PLANNING STAFF UPDATE

Westbay started the staff review.

- The regional director of the Army Corps of Engineers met with Westbay and they went to the VanTuyl Ranch to review this project. Due to required permitting from the Corps and Colorado Parks & Wildlife (CPW) this project may be closer for startup late October or early spring 2016. Contractors are now being asked to submit bids.
- Update on the Highway Design Project. The CDOT application is being compiled and reviewed before submittal. The public safety plan needs to be completed.
- There have been various inquiries on the Marijuana licenses. We expect anywhere from 6-10 applications to be submitted. Ferchau asked if we expected more applications than approvals. The process will determine this. Startup expense for this business was discussed.
- The strategic plan will be reviewed with Council on July 7, 2015.
- Mayor Hagan asked for Community Development to review design standards for new buildings under 50,000 square feet. Cave indicated that Crested Butte had faced this very issue and many businesses had left that area. Westbay indicated that he would initiate a meeting with Ken Coleman prior to the presentation on July 7th.

VIII. ADJOURN TO WORK SESSION 7:40pm

Attest:

Greg Larson, Chair

Michelle Spain, Secretary